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August 4, 2025

VIA ECF and Facsimile

The Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, NY 10007

Re: *United States v. David Smothermon*, No. 19 Cr. 382 (AKH)

Dear Judge Hellerstein:

On behalf of Defendant David Smothermon, I write in accordance with Section 1.D of Your Honor's Individual Rules to request a sixty-day adjournment of Mr. Smothermon's sentencing, which is currently scheduled for September 18, 2025. I respectfully request that sentencing be adjourned to a date and time convenient for the Court on or after November 17, 2025. The government consents to this request.

This adjournment is requested for several reasons. *First*, Mr. Smothermon is currently in the process of selling real estate, the proceeds of which he intends to use to make restitution payments to the victim in this case. Mr. Smothermon has already paid \$8,000,000 in restitution and has agreed to make more than \$11,500,000 in additional restitution payments. The requested adjournment would permit Mr. Smothermon additional time to complete the process of selling property so that he can satisfy his restitution obligation to the greatest extent possible prior to sentencing.

Second, additional time is required to allow undersigned counsel to prepare a comprehensive sentencing memorandum that will assist the Court to craft an appropriate sentence based upon the 18 U.S.C. 3553(a) factors. As part of his

sentencing memorandum, Mr. Smothermon intends to submit a video exhibit which will contain interviews with the many friends and family members who wish to provide words of support for Mr. Smothermon in connection with his sentencing. We believe that this video will assist the Court in ways that written letters of support could not. However, the individuals participating in the video each have busy and differing schedules that must be managed, resulting in unanticipated delays. Mr. Smothermon and his counsel have been working diligently to prepare for sentencing and to cooperate with the Probation Office in its preparation of the PSR (which was filed just days ago, on July 25, 2025) but additional time is nonetheless required to adequately prepare our submission for the Court.

This is Mr. Smothermon's first request for an adjournment of his sentencing.

Respectfully submitted,

/s/ George D. Murphy, Jr.

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Attorney for Defendant David Smothermon

cc: All counsel (by ECF)